

REMARKS

Claim Status

Claims 1-6, 9-23, and 25-51 are pending.

Claims 2, 9, 11, 12, 15-23, 25, 26, and 34-51 are withdrawn.

Claims 1, 3-6, 10, 13, 14, and 27-33 stand rejected.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-6, 10, 13, 14, and 27-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,164 to Koppelman et al. (hereinafter "*Koppelman*"). Applicant respectfully traverses the rejection.

The rejection set forth in the Office Action, p. 2, para. 4 applied to claims 2, 9, 11, 12, 15-23, 25, 26, and 34-51. However, as noted in the foregoing Interview Summary Record, claims 1, 3-6, 10, 13, 14, and 27-33 are pending, and claims 2, 9, 11, 12, 15-23, 25, 26, and 34-51 are withdrawn. Accordingly, Applicant is applying the rejection to claims 1, 3-6, 10, 13, 14, and 27-33.

Title 35 U.S.C. § 103(c)(1) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicant respectfully submits that *Koppelman* qualifies as prior art under 35 U.S.C. § 102(e) and that the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Koppelman was filed on May 19, 1998 and first published on December 9, 2003, the *Koppelman* issue date. The present application was filed on June 29, 2001. Thus, *Koppelman*

qualifies as prior art under 35 U.S.C. § 102(e). Applicant submits that the present application and *Koppelman* were, at the time the present invention was made, owned by, or subject to an obligation of assignment to, Trilogy Development Group, Inc.

Thus, Applicant respectfully submits that *Koppelman* is not a proper reference against the present invention under 35 U.S.C. § 103.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

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Respectfully submitted,

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